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Comments by the Government of Mauritius to the concluding observations of the Human Rights Committee on the United Kingdom of Great Britain and Northern Ireland and Overseas Territories

1. By letter dated 3 January 2002, the Permanent Representative of Mauritius to the United Nations Office at Geneva transmitted to the Chairman of the Human Rights Committee the comments of the Mauritius authorities on paragraph 38 of the advance unedited version of the concluding observations of the Human Rights Committee: United Kingdom of Great Britain and Northern Ireland (CCPR/CO/73/UK, CCPR/CO/73/UKOT dated 5 November 2001), released by the Office of the High Commissioner for Human Rights, in which mention is made of the British Indian Ocean Territory (BIOT).

2. The Government of the Republic of Mauritius wishes to submit the following clarifications to the members of the Human Rights Committee.

3. Mauritius consists mainly of an island of 720 square miles found in the south-west of the Indian Ocean and which has a population of 1.2 million.

4. Mauritius obtained its independence from the United Kingdom on 12 March 1968. Prior to Mauritius being granted its independence, the Chagos Archipelago was unlawfully excised by the United Kingdom from the territory of Mauritius. This excision was done in violation of the United Nations Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV) of 14 December 1960) prohibiting the dismemberment of any colonial territory prior to independence, and Assembly resolutions 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967. It should be noted that paragraph 6 of the Declaration stipulates that "Any attempt aimed at the partial or total disruption of national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations".

5. The Chagos Archipelago had always been under the administrative rule of Mauritius until its unlawful excision by the then colonial power. Mauritius has never relinquished its

sovereignty over the Chagos Archipelago and has, ever since this unlawful excision, consistently and persistently pressed the United Kingdom Government both in bilateral and multilateral forums for the early and unconditional return of the Chagos Archipelago to Mauritius.

6. In this context, the Government of Mauritius has continuously received the support of the Organization of African Unity and the Non-Aligned Movement on this issue. Only recently, the OAU Council of Ministers meeting in Lusaka in July 2001 reiterated its unflinching support to the Government of Mauritius in its endeavours and efforts to restore its sovereignty over the Chagos Archipelago and called upon the United Kingdom to put an end to its continued unlawful occupation of the Chagos Archipelago and to return it to Mauritius, thereby completing the process of decolonization. The OAU Council further exhorted the United Kingdom authorities not to take any steps or measures likely to adversely impact on the sovereignty of Mauritius.

7. Mauritius also reiterates its request every year at the United Nations General Assembly for the return of the Chagos Archipelago to Mauritius. In accordance with article 2 of the International Covenant on Civil and Political Rights, Mauritius has repeatedly called for the former inhabitants of the Chagos Archipelago and their families, who were forcibly evicted to Mauritius by the then colonial power, to be allowed to return to the Archipelago, including Diego Garcia. At the General Assembly in November 2001, Mauritius reiterated its claim of sovereignty over the Chagos Archipelago.

8. The Mauritian Government therefore does not recognize any British Indian Ocean Territory (BIOT) or any British Overseas Territory (BOT) insofar as those terms purport to describe or refer to the Chagos Archipelago. The Mauritius Government continues to vehemently challenge the competence of the British Government or any other Government to legislate for a part of Mauritian territory which is and has always been under Mauritian sovereignty and intends to take measures to vindicate its right at all relevant places and forums.

9. Whenever the Chagos issue has been raised, Her Majesty's Government in the United Kingdom has maintained that sovereignty over the Chagos Archipelago will revert to Mauritius when the military facility on Diego Garcia is no longer needed for the defence of the West. Indeed, in a letter dated 1 July 1992 addressed to the Mauritian authorities, the British authorities gave an undertaking to the Government of Mauritius that when the Chagos would no longer be needed for the defence purposes of the United Kingdom and the United States, it will be ceded to Mauritius.

10. Mauritius is still pursuing the resolution of this issue through diplomatic means and has sought the support of the United States to that end. The Mauritius authorities will, however, remain vigilant with regard to any attempt from any quarter likely to cause an adverse impact on the sovereignty of Mauritius.

11. The Government of Mauritius would be grateful if the Office of the High Commissioner for Human Rights and the Human Rights Committee could consider the foregoing elements when finalizing the documents under reference.